

Exhibit 1

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Page 1

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 Case No. 1:20-cv-01106

5 -x

6 KEWAZINGA CORP., :

:

7 Plaintiff, :

:

8 - vs - :

:

9 GOOGLE LLC, :

:

10 Defendant. :

11 -x

12 June 12, 2020

13 11:11 a.m.

14 1036 Dorchester Avenue

15 St. Louis, Missouri

16 ***CONFIDENTIAL***

17
18
19
20 VIDEOTAPED VIRTUAL DEPOSITION UPON
21 ORAL EXAMINATION OF DAVID WORLEY, held at the
22 above-mentioned time and place, before Randi
23 Friedman, a Registered Professional Reporter,
24 within and for the State of New York.
25 Job No. CS4135153

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<p style="text-align: right;">Page 42</p> <p>1 D. Worley - Confidential</p> <p>2 [REDACTED] because Kewazinga continued to have</p> <p>3 an intention of proceeding against Google</p> <p>4 relative to the patents. So we weren't</p> <p>5 going to -- never give that up, ever.</p> <p>6 BY MS. CHEN:</p> <p>7 Q Were the conversations with Ian</p> <p>8 telephonic or by email?</p> <p>9 MR. DESAI: Objection to form.</p> <p>10 THE WITNESS: I'm sure they were</p> <p>11 all telephone calls.</p> <p>12 MR. DESAI: Emily, I don't want to</p> <p>13 stop you short or anything, but we've been</p> <p>14 going a little over an hour. If there's</p> <p>15 some time in the next 15 minutes or</p> <p>16 something we can get a break, let me know.</p> <p>17 MS. CHEN: Sounds great. Thank</p> <p>18 you.</p> <p>19 BY MS. CHEN:</p> <p>20 Q So Kewazinga did not authorize Stroock</p> <p>21 to represent Google in 2018; is that right?</p> <p>22 MR. DESAI: Objection to form.</p> <p>23 THE WITNESS: I didn't say</p> <p>24 anywhere close to that. I don't know where</p> <p>25 that sentence even came from.</p>	<p style="text-align: right;">Page 44</p> <p>1 D. Worley - Confidential</p> <p>2 the testimony that you gave before the break?</p> <p>3 MR. DESAI: Objection to form.</p> <p>4 THE WITNESS: No, but I haven't</p> <p>5 reviewed it.</p> <p>6 BY MS. CHEN:</p> <p>7 Q Mr. Worley, the law firm Stroock has a</p> <p>8 security interest in Kewazinga's patents; right?</p> <p>9 MR. DESAI: Objection to form.</p> <p>10 THE WITNESS: I believe that's</p> <p>11 right.</p> <p>12 BY MS. CHEN:</p> <p>13 Q What is Stroock's security interest in</p> <p>14 Kewazinga's patents?</p> <p>15 MR. DESAI: Same objection.</p> <p>16 THE WITNESS: What is the security</p> <p>17 interest? They have -- you know, it's a</p> <p>18 legal -- it's a legal analysis what a</p> <p>19 security interest is. It's a security</p> <p>20 interest. I don't want to get into what the</p> <p>21 legal analysis of a security interest is.</p> <p>22 But, yes, they have a security interest.</p> <p>23 BY MS. CHEN:</p> <p>24 Q Stroock's security interest in</p> <p>25 Kewazinga's patents is still alive now; right?</p>
<p style="text-align: right;">Page 43</p> <p>1 D. Worley - Confidential</p> <p>2 BY MS. CHEN:</p> <p>3 Q You agree that Kewazinga did not</p> <p>4 authorize Stroock to represent Google in 2018;</p> <p>5 right?</p> <p>6 MR. DESAI: Objection to form.</p> <p>7 THE WITNESS: Oh, you said</p> <p>8 Kewazinga. That's why I was confused. I'm</p> <p>9 sorry. You're going to have to start over</p> <p>10 because I think you said Kewazinga instead</p> <p>11 of Google.</p> <p>12 BY MS. CHEN:</p> <p>13 Q You agree that Kewazinga did not</p> <p>14 authorize Stroock -- strike that.</p> <p>15 MS. CHEN: I think now is a good</p> <p>16 time to take a break. We can go off the</p> <p>17 record.</p> <p>18 MR. VIDEOGRAPHER: All right. The</p> <p>19 time is 11:14. We are off the record.</p> <p>20 (Whereupon there was a brief</p> <p>21 recess.)</p> <p>22 MR. VIDEOGRAPHER: The time is</p> <p>23 11:28. We are on the record.</p> <p>24 BY MS. CHEN:</p> <p>25 Q Mr. Worley, do you have any changes to</p>	<p style="text-align: right;">Page 45</p> <p>1 D. Worley - Confidential</p> <p>2 MR. DESAI: Objection to form.</p> <p>3 THE WITNESS: I believe so.</p> <p>4 BY MS. CHEN:</p> <p>5 Q What was your role at Kewazinga in</p> <p>6 2005?</p> <p>7 A The role hasn't changed since the</p> <p>8 formation of the company, but it was chairman,</p> <p>9 CEO and general counsel. Mops the floors.</p> <p>10 Washes the dishes.</p> <p>11 (Exhibit 5 was marked.)</p> <p>12 Q I'm introducing an exhibit that will</p> <p>13 be available in the exhibit folder. It's Exhibit</p> <p>14 No. 5. Please let me know when you see it.</p> <p>15 A Okay. Okay.</p> <p>16 Q Do you see that Exhibit 5 appears to</p> <p>17 be your LinkedIn profile?</p> <p>18 A It appears to be, yeah.</p> <p>19 Q Please turn to Page 2 of Exhibit 5.</p> <p>20 Do you see the entry that says,</p> <p>21 "Chairman, CEO and general counsel of Kewazinga</p> <p>22 Corporation"?</p> <p>23 A Yes.</p> <p>24 Q You see it gives the time range</p> <p>25 December 1997 through November 2004 for that</p>

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<p style="text-align: right;">Page 46</p> <p>1 D. Worley - Confidential</p> <p>2 entry; correct?</p> <p>3 A Yes.</p> <p>4 Q This indicates that your role as</p> <p>5 chairman, CEO and general counsel for Kewazinga</p> <p>6 Corporation ended in November of 2004; is that</p> <p>7 right?</p> <p>8 A No.</p> <p>9 Q Why not?</p> <p>10 A It's a date range. It's not a</p> <p>11 limiting factor.</p> <p>12 Q So you have been the chairman, CEO and</p> <p>13 general counsel of Kewazinga outside of the time</p> <p>14 range December 1997 to November 2004; right?</p> <p>15 MR. DESAI: Objection to form.</p> <p>16 THE WITNESS: Certainly beyond</p> <p>17 November 2004, yes.</p> <p>18 BY MS. CHEN:</p> <p>19 Q Have you held those positions</p> <p>20 continuously since November of 2004?</p> <p>21 A Yes.</p> <p>22 Q Why is that not reflected in your</p> <p>23 LinkedIn profile here?</p> <p>24 MR. DESAI: Objection to form.</p> <p>25 THE WITNESS: There was no reason</p>	<p style="text-align: right;">Page 48</p> <p>1 D. Worley - Confidential</p> <p>2 Q When did you, Andy Weber and Scott</p> <p>3 Sorokin launch Kewazinga?</p> <p>4 A December of '97 is when we first came</p> <p>5 together.</p> <p>6 Q You orchestrated the strategic</p> <p>7 direction of Kewazinga; is that right?</p> <p>8 A I was definitely one of the</p> <p>9 participants, yes.</p> <p>10 Q In what way did you participate in</p> <p>11 Kewazinga in 1997?</p> <p>12 MR. DESAI: Objection to form.</p> <p>13 THE WITNESS: Organization of the</p> <p>14 company, hiring outside counsel, pursuing</p> <p>15 patents.</p> <p>16 BY MS. CHEN:</p> <p>17 Q Did you have any other roles besides</p> <p>18 hiring outside counsel -- strike that.</p> <p>19 Any other roles?</p> <p>20 A Co-inventor on the patents.</p> <p>21 Q You were a co-inventor on the</p> <p>22 Kewazinga patents; is that right?</p> <p>23 A Correct.</p> <p>24 Q What makes you a co-inventor of the</p> <p>25 Kewazinga patents?</p>
<p style="text-align: right;">Page 47</p> <p>1 D. Worley - Confidential</p> <p>2 to identify continuous chairman, CEO and</p> <p>3 general counsel of Kewazinga Corp. beyond</p> <p>4 that in the LinkedIn.</p> <p>5 BY MS. CHEN:</p> <p>6 Q Why not?</p> <p>7 A It's just a decision I made. This</p> <p>8 isn't --</p> <p>9 Q What is the significance of</p> <p>10 November 2004 in the date range reflected on</p> <p>11 Page 2 of Exhibit 5?</p> <p>12 A So it's just about that. I joined</p> <p>13 Guggenheim Advisors in the beginning of</p> <p>14 December 2004.</p> <p>15 Q So other than you, there has been no</p> <p>16 change, CEO or general counsel of Kewazinga from</p> <p>17 November 2004 till today; is that right?</p> <p>18 A Correct. Correct.</p> <p>19 Q What does it mean when -- strike that.</p> <p>20 You co-launched Kewazinga Corporation;</p> <p>21 is that right?</p> <p>22 A Correct.</p> <p>23 Q What do you mean by co-launched?</p> <p>24 A There were three original co-founders;</p> <p>25 myself, Andy Weber and Scott Sorokin.</p>	<p style="text-align: right;">Page 49</p> <p>1 D. Worley - Confidential</p> <p>2 MR. DESAI: Objection to form.</p> <p>3 Outside the scope of the permitted discovery</p> <p>4 and 30(b)(6) topics.</p> <p>5 You can answer the question.</p> <p>6 THE WITNESS: Like I said, that's</p> <p>7 a legal determination, but from a functional</p> <p>8 standpoint, participation with -- among</p> <p>9 Scott, Andy, myself, on drafting the claims.</p> <p>10 I should say formulating the claims.</p> <p>11 Drafting is done by counsel, outside</p> <p>12 counsel.</p> <p>13 BY MS. CHEN:</p> <p>14 Q Do you have a technical background?</p> <p>15 A What do you mean by technical?</p> <p>16 Q Did you study engineering?</p> <p>17 A No.</p> <p>18 Q Did you study computer science?</p> <p>19 A Yes.</p> <p>20 Q When did you study computer science?</p> <p>21 A In college.</p> <p>22 Q Did you major in computer science in</p> <p>23 college?</p> <p>24 A No.</p> <p>25 Q You graduated with a Bachelor of Arts</p>

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<p style="text-align: right;">Page 70</p> <p>1 D. Worley - Confidential</p> <p>2 MR. DESAI: Objection to form.</p> <p>3 Outside the scope of the 30(b)(6).</p> <p>4 THE WITNESS: After 2004? Almost</p> <p>5 certainly, but I can't -- you know, without</p> <p>6 reviewing specific communications to other</p> <p>7 third parties, I don't -- I don't recall.</p> <p>8 BY MS. CHEN:</p> <p>9 Q Why was Kewazinga reaching out to</p> <p>10 companies in the 2005 to 2006 time period?</p> <p>11 A So we had only been shut down -- we</p> <p>12 had only closed our doors, you know, at that</p> <p>13 point, since the end of 2003. We -- you know, we</p> <p>14 felt, as we all along had, that our patents were</p> <p>15 extremely valuable in their scope, very far</p> <p>16 reaching, and that there were companies in the</p> <p>17 different types of businesses that we felt that</p> <p>18 if we showed them and brought it to their</p> <p>19 attention, the nature of the patents and our</p> <p>20 ideas, that they would see that it would have --</p> <p>21 those patents and ideas would have application to</p> <p>22 the businesses those companies were in.</p> <p>23 Q Did Kewazinga develop materials to</p> <p>24 summarize the value that Kewazinga thought it</p> <p>25 could bring to other companies?</p>	<p style="text-align: right;">Page 72</p> <p>1 D. Worley - Confidential</p> <p>2 product development; right?</p> <p>3 A Yeah, development -- yeah. It had a</p> <p>4 formal -- I don't remember whether it had a</p> <p>5 formal title. We were pretty informal, other</p> <p>6 than the corporate structure. He was not a</p> <p>7 member -- he was an investor but he wasn't a</p> <p>8 member of the, you know, corporate officers</p> <p>9 per se early on.</p> <p>10 Q What product did Kewazinga have in</p> <p>11 2005?</p> <p>12 MR. DESAI: Objection to form</p> <p>13 outside the scope.</p> <p>14 THE WITNESS: We had -- we had</p> <p>15 recorded video. The camera array -- not the</p> <p>16 cameras, which I still have, but the camera</p> <p>17 array itself and the equipment was seized in</p> <p>18 2004. Their prototype system.</p> <p>19 BY MS. CHEN:</p> <p>20 Q In 2005, Kewazinga's business pitch</p> <p>21 was its intellectual property; is that right?</p> <p>22 MR. DESAI: Objection to form.</p> <p>23 THE WITNESS: Yes, with the</p> <p>24 explanation that was intellectual property</p> <p>25 comprising the patents. We always had a</p>
<p style="text-align: right;">Page 71</p> <p>1 D. Worley - Confidential</p> <p>2 MR. DESAI: Objection to form.</p> <p>3 THE WITNESS: We did.</p> <p>4 BY MS. CHEN:</p> <p>5 Q What materials did you develop?</p> <p>6 A Word documents that were converted to</p> <p>7 Adobe, Acrobat, PowerPoints, emails. Those would</p> <p>8 be the three that we used.</p> <p>9 Q Who developed those materials?</p> <p>10 MR. DESAI: Objection to form.</p> <p>11 THE WITNESS: It was collaborative</p> <p>12 among myself, Andy and Scott. And then when</p> <p>13 Leonard Smalheiser came on, Lenny was</p> <p>14 involved.</p> <p>15 BY MS. CHEN:</p> <p>16 Q What was Mr. Smalheiser's role when he</p> <p>17 became involved?</p> <p>18 A I think we brought him in in a</p> <p>19 developmental role, product development. He had</p> <p>20 been an investor and he was a close friend of</p> <p>21 Andy's. And Andy basically recommended him.</p> <p>22 Q When did Mr. Smalheiser join the team?</p> <p>23 A I'm going to guess a little bit and</p> <p>24 say 2002.</p> <p>25 Q You said Mr. Smalheiser's role was</p>	<p style="text-align: right;">Page 73</p> <p>1 D. Worley - Confidential</p> <p>2 continuation in place as we were constantly</p> <p>3 working on refining our ideas, as well as</p> <p>4 applications, potential applications of the</p> <p>5 technology.</p> <p>6 BY MS. CHEN:</p> <p>7 Q Of the materials that Kewazinga</p> <p>8 developed in 2005 to 2006 to pitch Kewazinga's</p> <p>9 business proposition, what information in those</p> <p>10 materials was confidential?</p> <p>11 MR. DESAI: Objection to form.</p> <p>12 THE WITNESS: Well, it was -- the</p> <p>13 overall documents were often, if not always,</p> <p>14 maybe not always, but often labeled</p> <p>15 confidential, and those documents included</p> <p>16 our internal thinking on how our -- I'll</p> <p>17 call it our technology could be incorporated</p> <p>18 and adapted and used in certain -- in</p> <p>19 certain industries and in certain ways.</p> <p>20 Was everything in every document</p> <p>21 that we produced labeled as confidential,</p> <p>22 confidential? I mean I can think, for</p> <p>23 example, you know, bios, a corporate --</p> <p>24 sorry, officer bios were not confidential.</p> <p>25 The fact that we had patents, obviously not</p>

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<p style="text-align: right;">Page 86</p> <p>1 D. Worley - Confidential</p> <p>2 from how we described ourselves. It came</p> <p>3 from how we performed phenomenally with</p> <p>4 ESPN, I believe, in a particular shoot.</p> <p>5 There were others, but I think that's what</p> <p>6 prompted the nomination.</p> <p>7 BY MS. CHEN:</p> <p>8 Q Paragraph 3 of Mr. Weber's email</p> <p>9 begins, "Combined with existing technologies."</p> <p>10 Is there anything in that paragraph</p> <p>11 that is confidential?</p> <p>12 MR. DESAI: Objection to form.</p> <p>13 THE WITNESS: So I'm going to say,</p> <p>14 again, this all to me is to how it's</p> <p>15 phrased. I'm going to say no because it's</p> <p>16 not -- it's so -- it's so high level.</p> <p>17 BY MS. CHEN:</p> <p>18 Q Maybe I can short-circuit this.</p> <p>19 Kewazinga sent materials to Google in</p> <p>20 the 2005 to 2006 time frame without a</p> <p>21 non-disclosure agreement; right?</p> <p>22 MR. DESAI: Objection to form.</p> <p>23 THE WITNESS: That's correct, in</p> <p>24 the sense there was no written</p> <p>25 confidentiality agreement between Kewazinga</p>	<p style="text-align: right;">Page 88</p> <p>1 D. Worley - Confidential</p> <p>2 MR. DESAI: Objection to form.</p> <p>3 THE WITNESS: There was never --</p> <p>4 I'm repeating myself, but there was never a</p> <p>5 written confidentiality agreement between</p> <p>6 Kewazinga and Google that I can recall --</p> <p>7 I'm sorry, during that time frame.</p> <p>8 BY MS. CHEN:</p> <p>9 Q And there was no written</p> <p>10 non-disclosure agreement during that time frame</p> <p>11 either; right?</p> <p>12 MR. DESAI: Objection to form.</p> <p>13 Asked and answered.</p> <p>14 THE WITNESS: Confidentiality</p> <p>15 agreements, I think they're same thing as a</p> <p>16 non-disclosure. But there was no written</p> <p>17 agreement called Confidentiality Agreement</p> <p>18 or an agreement called Non-Disclosure</p> <p>19 Agreement during that time, 2005 to 2006,</p> <p>20 between Kewazinga and Google.</p> <p>21 BY MS. CHEN:</p> <p>22 Q There was no verbal non-disclosure</p> <p>23 agreement either; right?</p> <p>24 MR. DESAI: Objection to form.</p> <p>25 THE WITNESS: Well, there was</p>
<p style="text-align: right;">Page 87</p> <p>1 D. Worley - Confidential</p> <p>2 and Google that I recall.</p> <p>3 BY MS. CHEN:</p> <p>4 Q Did Google solicit the marketing</p> <p>5 materials from Kewazinga to begin with?</p> <p>6 MR. DESAI: Objection to form.</p> <p>7 THE WITNESS: Well --</p> <p>8 MS. CHEN: I'll strike the</p> <p>9 question.</p> <p>10 BY MS. CHEN:</p> <p>11 Q Did Kewazinga initiate contact with</p> <p>12 Google?</p> <p>13 MR. DESAI: Objection to form.</p> <p>14 THE WITNESS: I believe that this</p> <p>15 email you're referring to was the initial</p> <p>16 outreach to Google. Following this there</p> <p>17 were -- my recollection is there were</p> <p>18 referrals within Google and coming back and</p> <p>19 asking for more information.</p> <p>20 BY MS. CHEN:</p> <p>21 Q For the time period encompassing this</p> <p>22 email, which is the initial reach-out, through</p> <p>23 the referrals within Google and coming back and</p> <p>24 asking for more information, as you said, was</p> <p>25 there ever a non-disclosure agreement in place?</p>	<p style="text-align: right;">Page 89</p> <p>1 D. Worley - Confidential</p> <p>2 certainly an understanding as this thing got</p> <p>3 deeper and deeper in 2006 that as they</p> <p>4 were -- "they" being -- we would have to</p> <p>5 parse through the emails. Much of this was</p> <p>6 on-the-phone conversations, asking for more</p> <p>7 information that, as we were digging deeper</p> <p>8 into our thinking, and applying and showing</p> <p>9 how that could be applied at Google, it was</p> <p>10 certainly an appreciation on our part that</p> <p>11 this was being done at the request of</p> <p>12 something that they would keep confidential.</p> <p>13 BY MS. CHEN:</p> <p>14 Q Did Google ever state that it would</p> <p>15 keep these materials confidential?</p> <p>16 MR. DESAI: Objection to form.</p> <p>17 THE WITNESS: Could there have</p> <p>18 been a phone conversation? I don't know.</p> <p>19 I'm not going to say that I remember</p> <p>20 specifically. I remember feeling very</p> <p>21 comfortable, you know, basically lifting up</p> <p>22 the kimono and pouring our hearts out in</p> <p>23 terms of potential applications, that we</p> <p>24 would never have done had this not been</p> <p>25 asked for.</p>

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<p style="text-align: right;">Page 90</p> <p>1 D. Worley - Confidential</p> <p>2 BY MS. CHEN:</p> <p>3 Q But you don't recall a specific verbal</p> <p>4 non-disclosure agreement; right?</p> <p>5 MR. DESAI: Objection to form.</p> <p>6 THE WITNESS: I guess they tricked</p> <p>7 me. I don't remember that.</p> <p>8 BY MS. CHEN:</p> <p>9 Q You don't remember there being a</p> <p>10 verbal non-disclosure agreement; right?</p> <p>11 MR. DESAI: Objection to form.</p> <p>12 THE WITNESS: I can't tell you</p> <p>13 that I -- that I can quote, you know, a</p> <p>14 specific "and don't worry, we'll keep this</p> <p>15 confidential." It just was applied to me</p> <p>16 why would a company ask us to -- we're</p> <p>17 basically doing free work for them at that</p> <p>18 point, giving them our ideas. And they</p> <p>19 were -- it never occurred to me that that</p> <p>20 wouldn't be kept confidential.</p> <p>21 MR. DESAI: Sorry, I was going to</p> <p>22 say we're almost at an hour and a half.</p> <p>23 Again, feel free to finish up anything. We</p> <p>24 have to break for lunch pretty soon. That</p> <p>25 would be good. Feel free to finish up.</p>	<p style="text-align: right;">Page 92</p> <p>1 D. Worley - Confidential</p> <p>2 THE WITNESS: I'm sorry. You said</p> <p>3 did Andy do that?</p> <p>4 BY MS. CHEN:</p> <p>5 Q Yes.</p> <p>6 MR. DESAI: Objection to form and</p> <p>7 outside the scope.</p> <p>8 THE WITNESS: I mean, could he</p> <p>9 have at any point in time? Maybe. That</p> <p>10 wasn't something he typically did. He would</p> <p>11 typically go through myself.</p> <p>12 BY MS. CHEN:</p> <p>13 Q You don't recall Mr. Weber sending</p> <p>14 this October 5th, 2005 email to you before he</p> <p>15 sent it to Google; right?</p> <p>16 MR. DESAI: Objection to form.</p> <p>17 THE WITNESS: No. I don't know</p> <p>18 that I got it afterwards. I might have at</p> <p>19 some point.</p> <p>20 BY MS. CHEN:</p> <p>21 Q Mr. Weber sent this from his personal</p> <p>22 email address, ahweber@bellatlantic.net; right?</p> <p>23 A I'm scrolling up to the top of his</p> <p>24 email. That appears to be correct.</p> <p>25 Q Do you have access to all of</p>
<p style="text-align: right;">Page 91</p> <p>1 D. Worley - Confidential</p> <p>2 MS. CHEN: Thank you. I think we</p> <p>3 can finish up in just a few moments.</p> <p>4 BY MS. CHEN:</p> <p>5 Q This email that we were just referring</p> <p>6 to on Exhibit 6 was from Andy Weber; right?</p> <p>7 A The October 5, 1:52 version, yes.</p> <p>8 Q You mentioned that Mr. Weber was a</p> <p>9 co-founder of Kewazinga and assisted in business</p> <p>10 development; right? Strike that.</p> <p>11 Mr. Weber was a co-founder of</p> <p>12 Kewazinga; right?</p> <p>13 A Correct.</p> <p>14 Q What was Mr. Weber's role in the</p> <p>15 company?</p> <p>16 MR. DESAI: Objection to form.</p> <p>17 THE WITNESS: Well, I'm referring</p> <p>18 back to his "cinch block" is really the best</p> <p>19 I have at this point. It certainly consists</p> <p>20 of, my recollection, vice chairman and</p> <p>21 director of technologies.</p> <p>22 BY MS. CHEN:</p> <p>23 Q He reached out on behalf of</p> <p>24 Kewazinga/Visage-HD to other companies; right?</p> <p>25 MR. DESAI: Objection to form.</p>	<p style="text-align: right;">Page 93</p> <p>1 D. Worley - Confidential</p> <p>2 Mr. Weber's emails from his personal email</p> <p>3 account?</p> <p>4 MR. DESAI: Objection to form.</p> <p>5 Outside the scope.</p> <p>6 THE WITNESS: I mean, no. His</p> <p>7 personal emails? No.</p> <p>8 BY MS. CHEN:</p> <p>9 Q Mr. Weber occasionally sent emails</p> <p>10 from his personal email account regarding</p> <p>11 Kewazinga business; is that right?</p> <p>12 MR. DESAI: Objection to form.</p> <p>13 Outside the scope. To the extent this is</p> <p>14 about Mr. Weber in his personal capacity,</p> <p>15 this is foundation.</p> <p>16 THE WITNESS: So we had</p> <p>17 maintained, when we had -- excuse me, when</p> <p>18 we had the website active, we had also</p> <p>19 maintained kewazinga.com email addresses.</p> <p>20 And my recollection is that's sort of</p> <p>21 reinforced here, that we had at some point,</p> <p>22 I think from a cost standpoint, stopped</p> <p>23 paying for that. So we had to revert to our</p> <p>24 personal email addresses for Kewazinga</p> <p>25 business.</p>

24 (Pages 90 - 93)

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<p style="text-align: right;">Page 94</p> <p>1 D. Worley - Confidential</p> <p>2 BY MS. CHEN:</p> <p>3 Q So today Kewazinga no longer has</p> <p>4 access to Mr. Weber's -- strike that.</p> <p>5 Mr. Weber has passed away; is that</p> <p>6 right?</p> <p>7 A Correct.</p> <p>8 Q So today Kewazinga does not have</p> <p>9 access to emails Mr. Weber would have sent from</p> <p>10 his personal email address after Kewazinga's</p> <p>11 email addresses were discontinued; is that right?</p> <p>12 MR. DESAI: Objection to form and</p> <p>13 outside the scope.</p> <p>14 THE WITNESS: Right, so -- not</p> <p>15 right. Yes, I'm answering the question. He</p> <p>16 was -- he was good at a lot of things.</p> <p>17 Terrific individual. One of the things he</p> <p>18 was good at was including others within</p> <p>19 Kewazinga in terms of what he was doing. He</p> <p>20 was not a lone wolf by any means. Earlier</p> <p>21 on it would have been Andy and -- you know,</p> <p>22 Andy and myself as sort of -- as referenced</p> <p>23 here, like, go off and get a day job. So he</p> <p>24 would have, you know, kept others in the</p> <p>25 loop. But he was not, you know, he was not</p>	<p style="text-align: right;">Page 96</p> <p>1 D. Worley - Confidential</p> <p>2 question. It could have been a blind cc or</p> <p>3 it could have been a forward. I don't know.</p> <p>4 BY MS. CHEN:</p> <p>5 Q What was Mr. Weber's role in the</p> <p>6 inventions that are patented by Kewazinga?</p> <p>7 MR. DESAI: Objection to form.</p> <p>8 Outside the scope of permitted discovery in</p> <p>9 this case and outside the scope of the</p> <p>10 30(b)(6) topics.</p> <p>11 But you can answer the question</p> <p>12 generally if you have an answer.</p> <p>13 THE WITNESS: Right. So he -- he</p> <p>14 was sort of the nucleus that brought the</p> <p>15 three of us, Scott, myself and Andy</p> <p>16 together. He had -- he was personal friends</p> <p>17 with Scott, he was personal he friends with</p> <p>18 me. I didn't know Scott. Scott didn't know</p> <p>19 me. And Andy brought us together, you know,</p> <p>20 as a threesome -- sounds a little trite, but</p> <p>21 as a threesome to start to work on this in</p> <p>22 December of '97.</p> <p>23 MS. CHEN: This might be a good</p> <p>24 time to take a break. I think it's been a</p> <p>25 little bit. Let's go off the record.</p>
<p style="text-align: right;">Page 95</p> <p>1 D. Worley - Confidential</p> <p>2 a lone wolf.</p> <p>3 BY MS. CHEN:</p> <p>4 Q Kewazinga doesn't have access to</p> <p>5 emails -- strike that.</p> <p>6 Kewazinga does not have access to all</p> <p>7 of the emails that Andy Weber may have sent from</p> <p>8 his personal email address on behalf of</p> <p>9 Kewazinga; is that right?</p> <p>10 MR. DESAI: Objection to form.</p> <p>11 Outside the scope.</p> <p>12 THE WITNESS: I'm going to have --</p> <p>13 well, does not have access? Does not have</p> <p>14 access? We certainly have access to</p> <p>15 everything he would have forwarded or copied</p> <p>16 others on, and those have been provided. Is</p> <p>17 it possible that he might have sent an email</p> <p>18 that he didn't forward a copy to us on?</p> <p>19 Unlikely.</p> <p>20 BY MS. CHEN:</p> <p>21 Q Is Exhibit 6 an example of an email</p> <p>22 that Mr. Weber sent to Google without copying any</p> <p>23 other Kewazinga employees?</p> <p>24 MR. DESAI: Objection to form.</p> <p>25 THE WITNESS: I can't answer the</p>	<p style="text-align: right;">Page 97</p> <p>1 D. Worley - Confidential</p> <p>2 MR. VIDEOGRAPHER: The time is</p> <p>3 12:56. We're off the record.</p> <p>4 (Whereupon there was a lunch</p> <p>5 recess.)</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

25 (Pages 94 - 97)

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<p style="text-align: right;">Page 118</p> <p>1 D. Worley - Confidential</p> <p>2 of Google Street View?</p> <p>3 MR. DESAI: Objection to form.</p> <p>4 THE WITNESS: Yeah, Lenny might</p> <p>5 have -- you know, Lenny was certainly aware</p> <p>6 of it. But I don't think it was until like</p> <p>7 2012 time frame that it -- he started to</p> <p>8 piece it together that there was</p> <p>9 infringement.</p> <p>10 BY MS. CHEN:</p> <p>11 Q Are you aware that as early as</p> <p>12 October 2004, Google publicly funded research at</p> <p>13 Stanford regarding street level imagery?</p> <p>14 MR. DESAI: Objection to form.</p> <p>15 Outside the scope.</p> <p>16 THE WITNESS: I'm not aware of</p> <p>17 that. And they certainly didn't mention</p> <p>18 that when we were giving them our</p> <p>19 information and ideas in 2006.</p> <p>20 BY MS. CHEN:</p> <p>21 Q Before Kewazinga reached out to Google</p> <p>22 to discuss Kewazinga's business proposition, did</p> <p>23 Kewazinga research Google's ongoing projects?</p> <p>24 MR. DESAI: Objection to form.</p> <p>25 Outside the scope.</p>	<p style="text-align: right;">Page 120</p> <p>1 D. Worley - Confidential</p> <p>2 joined Kewazinga as an active participant in the</p> <p>3 business?</p> <p>4 A I believe it was 2002.</p> <p>5 Q And can you remind me when</p> <p>6 Mr. Smalheiser began working on the business</p> <p>7 development for Kewazinga?</p> <p>8 MR. DESAI: Objection to form.</p> <p>9 THE WITNESS: It would have been</p> <p>10 after -- it would have been after --</p> <p>11 certainly after 2003, and he was definitely</p> <p>12 involved with Andy and myself in 2006.</p> <p>13 That's probably the best I can give you.</p> <p>14 BY MS. CHEN:</p> <p>15 Q In 2012, when y'all were discussing</p> <p>16 the possibility that Google may infringe, were</p> <p>17 you also discussing whether other companies might</p> <p>18 also infringe Kewazinga's patents?</p> <p>19 MR. DESAI: Objection to form.</p> <p>20 THE WITNESS: Yes.</p> <p>21 BY MS. CHEN:</p> <p>22 Q Why did Kewazinga shift at that time</p> <p>23 to be interested in patent litigation?</p> <p>24 MR. DESAI: Objection to form.</p> <p>25 THE WITNESS: So what do you mean</p>
<p style="text-align: right;">Page 119</p> <p>1 D. Worley - Confidential</p> <p>2 THE WITNESS: Well, we were aware</p> <p>3 of the mapping and advertising, obviously.</p> <p>4 That's the business model. And we felt very</p> <p>5 strongly that video, navigable video through</p> <p>6 the use of the phrase plowing the streets</p> <p>7 and waterways, was really the next step in</p> <p>8 terms of extension of mapping and Google</p> <p>9 Earth.</p> <p>10 BY MS. CHEN:</p> <p>11 Q After Mr. Smalheiser mentioned that</p> <p>12 Google may be infringing in 2012, was it</p> <p>13 Kewazinga's position that it believed Google</p> <p>14 infringed Kewazinga's patents?</p> <p>15 MR. DESAI: Objection to form.</p> <p>16 THE WITNESS: That was our</p> <p>17 original take, and then we very quickly --</p> <p>18 was it hours or days or weeks, I don't</p> <p>19 recall -- reached out to Ian, our counsel,</p> <p>20 and started, you know, working with that</p> <p>21 through him. And, of course, came to the</p> <p>22 foregone conclusion that there was</p> <p>23 infringement.</p> <p>24 BY MS. CHEN:</p> <p>25 Q Can you remind me when Mr. Smalheiser</p>	<p style="text-align: right;">Page 121</p> <p>1 D. Worley - Confidential</p> <p>2 "shift"?</p> <p>3 BY MS. CHEN:</p> <p>4 Q Had Kewazinga always -- excuse me.</p> <p>5 Strike that.</p> <p>6 When did Kewazinga first consider</p> <p>7 enforcing its patents?</p> <p>8 MR. DESAI: Objection to form and</p> <p>9 outside the scope of the 30(b)(6).</p> <p>10 THE WITNESS: I think along the</p> <p>11 way there were companies from time to time</p> <p>12 that we felt were -- you know, there could</p> <p>13 be infringement. You know, we were -- we</p> <p>14 were -- we were, you know, particularly for</p> <p>15 example in 2006, you know, in collaboration</p> <p>16 mode, trying to find partners. And anything</p> <p>17 in particular, you know, the experiences we</p> <p>18 had with Microsoft and Google which were --</p> <p>19 I'll focus on Google -- you know, were</p> <p>20 repeatedly asking for information. At the</p> <p>21 time they were telling me they're working on</p> <p>22 a similar project and not telling us.</p> <p>23 Asking us for more information on how this</p> <p>24 could work and be approved. You know, it</p> <p>25 dawned on us, you know, it is what it is,</p>

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1 D. Worley - Confidential

2 Q Did Wooster Funding fund the 2013

3 Google litigation?

4 MR. DESAI: Objection to form.

5 THE WITNESS: No.

6 BY MS. CHEN:

7 Q Did any entity other than Kewazinga

8 fund the 2013 Google litigation?

9 MR. DESAI: Objection to form.

10 THE WITNESS: We were searching

11 for funding. We -- and I don't remember

12 when. I mean I will say that my -- sort of

13 my involvement, sort of more direct, too

14 strong to say day-to-day, but started up

15 again late 2012. But we were, you know,

16 beginning sometime around then in 2013, and

17 continuing on, you know for many years, were

18 actively seeking funding. But we had not

19 yet at the point that we filed -- well, in

20 2013, we didn't have any funding. We were

21 seeking funding and in anticipation we felt,

22 you know -- we felt -- we were very hopeful,

23 had reason to think that we could, but we

24 didn't have any funding. Eventually secured

25 funding at that time.

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1 D. Worley - Confidential

2 BY MS. CHEN:

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 MS. CHEN: I think now is a good

14 time to take a break. Let's go off the

15 record.

16 MR. VIDEOGRAPHER: The time is

17 2:51. We are off the record.

18 (Whereupon there was a brief

19 recess.)

20 MR. VIDEOGRAPHER: The time is

21 3:04. We are on the record.

22 BY MS. CHEN:

23 Q [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 D. Worley - Confidential

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 MR. DESAI: Objection to form.

7 [REDACTED]

8 BY MS. CHEN:

9 [REDACTED]

10 [REDACTED]

11 MR. DESAI: Objection to form.

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 D. Worley - Confidential

2 BY MS. CHEN:

3 [REDACTED]

4 [REDACTED]

5 MR. DESAI: Objection to form.

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 BY MS. CHEN:

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Q Were you involved in any of the

23 communications?

24 MR. DESAI: Objection to form.

25 THE WITNESS: I don't remember --

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<p style="text-align: right;">Page 142</p> <p>1 D. Worley - Confidential</p> <p>2 the -- laid out our view on infringement of</p> <p>3 our patents vis-a-vis the Google product</p> <p>4 Street View.</p> <p>5 BY MS. CHEN:</p> <p>6 Q What was Google's position at that</p> <p>7 meeting?</p> <p>8 A Google's position was they didn't --</p> <p>9 they didn't necessarily agree with the</p> <p>10 infringement contention.</p> <p>11 Q Did they say what part of the</p> <p>12 infringement contention they disagreed with?</p> <p>13 A We talked about array of cameras.</p> <p>14 Q What about array of cameras?</p> <p>15 A From our standpoint, the Street View</p> <p>16 product using array of cameras.</p> <p>17 Q And by "array of cameras," is that the</p> <p>18 phrase that's from the patents?</p> <p>19 A Either camera array or array of</p> <p>20 cameras. But "array" is used in the patents,</p> <p>21 yes.</p> <p>22 Q So Google's position was that Google</p> <p>23 did not infringe that particular array</p> <p>24 limitation; is that right?</p> <p>25 MR. DESAI: Objection to form.</p>	<p style="text-align: right;">Page 144</p> <p>1 D. Worley - Confidential</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 BY MS. CHEN:</p> <p>5 Q [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 BY MS. CHEN:</p> <p>17 Q After that in-person meeting -- strike</p> <p>18 that.</p> <p>19 Kewazinga didn't end up serving its</p> <p>20 complaint on Google; right?</p> <p>21 MR. DESAI: Objection to form.</p> <p>22 THE WITNESS: That is correct.</p> <p>23 BY MS. CHEN:</p> <p>24 Q Why?</p> <p>25 [REDACTED]</p>
<p style="text-align: right;">Page 143</p> <p>1 D. Worley - Confidential</p> <p>2 THE WITNESS: I think that's fair.</p> <p>3 I think that's fair.</p> <p>4 BY MS. CHEN:</p> <p>5 Q What was Kewazinga's response?</p> <p>6 A "You're wrong." Not correct, wrong.</p> <p>7 Incorrect, wrong.</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>	<p style="text-align: right;">Page 145</p> <p>1 D. Worley - Confidential</p> <p>2 had hoped. We knew that the complaint could be</p> <p>3 withdrawn without prejudice. And we would not</p> <p>4 have given up or forfeited or waived any rights</p> <p>5 against Google by having gone through this</p> <p>6 process and withdrawing the lawsuit without</p> <p>7 prejudice.</p> <p>8 Q Google moved to dismiss the complaint</p> <p>9 because Kewazinga had not filed -- strike that.</p> <p>10 Google moved to dismiss Kewazinga's</p> <p>11 2013 complaint because Kewazinga hadn't served</p> <p>12 the complaint as required by the federal rules;</p> <p>13 is that right?</p> <p>14 MR. DESAI: Objection to form.</p> <p>15 THE WITNESS: I know they moved to</p> <p>16 dismiss the complaint. I think the form of</p> <p>17 the motion speaks for itself.</p> <p>18 BY MS. CHEN:</p> <p>19 Q The court granted Google's motion;</p> <p>20 right?</p> <p>21 MR. DESAI: Objection to form.</p> <p>22 THE WITNESS: That's my</p> <p>23 understanding.</p> <p>24 BY MS. CHEN:</p> <p>25 Q Before the court granted the motion,</p>

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<p style="text-align: right;">Page 150</p> <p>1 D. Worley - Confidential</p> <p>2 phone call was. I'm going to guess and say</p> <p>3 May, because I think it happened pretty</p> <p>4 quickly after we filed.</p> <p>5 You know, I'm not saying we were</p> <p>6 misled, but we definitely came off that call</p> <p>7 thinking they're suggesting we come out and</p> <p>8 have an in-person meeting. There's -- you</p> <p>9 know, there's an amicable solution to be</p> <p>10 had. So I think that was our expectation</p> <p>11 throughout the summer until we came to the</p> <p>12 meeting in August. And, you know, up</p> <p>13 until -- I guess at some point in the</p> <p>14 meeting, there was certainly back-and-forth</p> <p>15 that -- but it wasn't clear, I think, until</p> <p>16 the end of the meeting, where we basically</p> <p>17 got thrown out, that Google had no intention</p> <p>18 of settling.</p> <p>19 So, you know, our primary focus</p> <p>20 throughout the summer -- primary focus, not</p> <p>21 exclusive focus, but primary focus was</p> <p>22 expectation of settlement. You know, we</p> <p>23 did -- we did continue to look for funding.</p> <p>24 Again, "has" is -- would have been</p> <p>25 a better word, if I had been drafting it.</p>	<p style="text-align: right;">Page 152</p> <p>1 D. Worley - Confidential</p> <p>2 BY MS. CHEN:</p> <p>3 Q Shortly after this filing, the court</p> <p>4 dismissed the 2013 Google litigation; right?</p> <p>5 MR. DESAI: Objection to form.</p> <p>6 THE WITNESS: I believe that's</p> <p>7 right.</p> <p>8 BY MS. CHEN:</p> <p>9 Q So let's turn to after the 2013</p> <p>10 lawsuit is in the rearview mirror and then up</p> <p>11 through 2020, when Kewazinga filed this</p> <p>12 litigation, did you ever tell Google that you</p> <p>13 would come back and assert the patents against</p> <p>14 Google once you got funding?</p> <p>15 MR. DESAI: Objection to form.</p> <p>16 THE WITNESS: No, as to your</p> <p>17 question, and there was no reason to do so</p> <p>18 beyond what we had already done.</p> <p>19 BY MS. CHEN:</p> <p>20 Q You didn't contact Google between the</p> <p>21 end of the 2013 litigation and the filing of the</p> <p>22 2020 complaint; right?</p> <p>23 MR. DESAI: Same objection.</p> <p>24 THE WITNESS: Can you repeat the</p> <p>25 question?</p>
<p style="text-align: right;">Page 151</p> <p>1 D. Worley - Confidential</p> <p>2 The sentence before that is absolutely true.</p> <p>3 Settlement negotiations -- and that's borne</p> <p>4 out by the email where I think it</p> <p>5 specifically talks about settlement</p> <p>6 negotiations. I don't remember the exact</p> <p>7 language, but I know it refers to 408 and it</p> <p>8 refers to confidentiality. So I know there</p> <p>9 was an expectation of, you know, some real,</p> <p>10 reasonable, good-faith negotiation. I</p> <p>11 honestly don't feel like we got that in</p> <p>12 August.</p> <p>13 BY MS. CHEN:</p> <p>14 Q Is the sentence starting</p> <p>15 "Consequently" untrue?</p> <p>16 MR. DESAI: Objection to form.</p> <p>17 THE WITNESS: I think "has" -- I</p> <p>18 think "has" would have been a better choice</p> <p>19 of words. I think it's misleading to read</p> <p>20 it that, no, never any intention regardless</p> <p>21 of -- you know, regardless of anything.</p> <p>22 That was definitely not the case, and I</p> <p>23 think if one's trying to read that into</p> <p>24 this, I think it was a bad choice of words.</p> <p>25</p>	<p style="text-align: right;">Page 153</p> <p>1 D. Worley - Confidential</p> <p>2 BY MS. CHEN:</p> <p>3 Q Kewazinga didn't contact Google</p> <p>4 between the end of the 2013 litigation and the</p> <p>5 filing of the 2020 complaint; right?</p> <p>6 MR. DESAI: Objection to form.</p> <p>7 THE WITNESS: [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 BY MS. CHEN:</p> <p>16 Q So you had instructed your law firm,</p> <p>17 which is Stroock, to communicate that to Google;</p> <p>18 is that right?</p> <p>19 MR. DESAI: One second, Dave.</p> <p>20 Objection to form.</p> <p>21 THE WITNESS: [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25</p>

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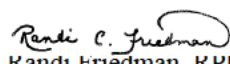
<p style="text-align: right;">Page 170</p> <p>1 D. Worley - Confidential</p> <p>2 BY MS. CHEN:</p> <p>3 Q There was never a time after 2012?</p> <p>4 A When we did not believe that.</p> <p>5 Q So Kewazinga has always believed since</p> <p>6 2012 that Google infringes its patents?</p> <p>7 A Correct.</p> <p>8 Q Why did Kewazinga decide to sue Google</p> <p>9 in 2020?</p> <p>10 MR. DESAI: Objection to form.</p> <p>11 THE WITNESS: We got the funding.</p> <p>12 BY MS. CHEN:</p> <p>13 Q How long after -- strike that.</p> <p>14 How long after Kewazinga got the</p> <p>15 funding did Kewazinga file the complaint against</p> <p>16 Google?</p> <p>17 A Excuse me, I don't recall exactly.</p> <p>18 I'm going to kind of guess, within a month. I</p> <p>19 might be off by a couple of weeks. Four to six</p> <p>20 weeks maybe.</p> <p>21 Q Did Kewazinga get the funding before</p> <p>22 Mr. DiBernardo reached out to Google before the</p> <p>23 litigation?</p> <p>24 MR. DESAI: Objection to form.</p> <p>25 THE WITNESS: Okay. All right. I</p>	<p style="text-align: right;">Page 172</p> <p>1 D. Worley - Confidential</p> <p>2 View continuously from 2013 until today; right?</p> <p>3 MR. DESAI: Objection to form.</p> <p>4 THE WITNESS: You know, I</p> <p>5 haven't -- I imagine they haven't missed a</p> <p>6 day. I haven't checked, but I imagine they</p> <p>7 haven't missed a day.</p> <p>8 BY MS. CHEN:</p> <p>9 Q You're not aware of them shutting it</p> <p>10 down or anything?</p> <p>11 A No, I'm not aware of that.</p> <p>12 Q Have you used Street View?</p> <p>13 A I have. Recently I have used it,</p> <p>14 yeah.</p> <p>15 Q You know that each year Google offers</p> <p>16 this Street View service, it maps more and more</p> <p>17 miles of roads; right?</p> <p>18 MR. DESAI: Objection to form.</p> <p>19 Outside the scope of a 30(b)(6).</p> <p>20 THE WITNESS: Could be.</p> <p>21 BY MS. CHEN:</p> <p>22 Q You've heard of the Google Street View</p> <p>23 cars with the cameras on top, driving around?</p> <p>24 MR. DESAI: Same objections.</p> <p>25 THE WITNESS: I've heard of that,</p>
<p style="text-align: right;">Page 171</p> <p>1 D. Worley - Confidential</p> <p>2 have to make sure I'm listening to the</p> <p>3 question. What time period are we talking</p> <p>4 about?</p> <p>5 BY MS. CHEN:</p> <p>6 Q In 2020.</p> <p>7 A Yeah.</p> <p>8 Q Strike that.</p> <p>9 Did Kewazinga contact Google in 2020,</p> <p>10 before Kewazinga filed its complaint?</p> <p>11 MR. DESAI: Objection to form.</p> <p>12 THE WITNESS: I don't know. I</p> <p>13 don't recall that we did. I don't know.</p> <p>14 MS. CHEN: I think now is a good</p> <p>15 time to take a break. Can we take a</p> <p>16 five-minute -- sorry, ten-minute break,</p> <p>17 please.</p> <p>18 MR. VIDEOGRAPHER: The time is</p> <p>19 4:01. We are off the record.</p> <p>20 (Whereupon there was a brief</p> <p>21 recess.)</p> <p>22 MR. VIDEOGRAPHER: The time is</p> <p>23 4:14. We're on the record.</p> <p>24 BY MS. CHEN:</p> <p>25 Q Mr. Worley, Google has offered Street</p>	<p style="text-align: right;">Page 173</p> <p>1 D. Worley - Confidential</p> <p>2 yeah.</p> <p>3 BY MS. CHEN:</p> <p>4 Q And they drive around collecting</p> <p>5 additional imagery to update Google Street View;</p> <p>6 right?</p> <p>7 MR. DESAI: Same objections.</p> <p>8 THE WITNESS: I mean, that would</p> <p>9 be a reasonable conclusion. Obviously, I'm</p> <p>10 not party to internal discussions on what</p> <p>11 they're trying to accomplish.</p> <p>12 BY MS. CHEN:</p> <p>13 Q Have you ever read any public Google</p> <p>14 posts or blogs or press releases about Street</p> <p>15 View?</p> <p>16 MR. DESAI: Objection. Outside</p> <p>17 the scope.</p> <p>18 THE WITNESS: No.</p> <p>19 BY MS. CHEN:</p> <p>20 Q But it wouldn't surprise you that</p> <p>21 Google has continued to develop Street View</p> <p>22 between 2013 and today; right?</p> <p>23 MR. DESAI: Objection to form.</p> <p>24 Outside the scope.</p> <p>25 THE WITNESS: It wouldn't surprise</p>

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<p style="text-align: right;">Page 174</p> <p>1 D. Worley - Confidential</p> <p>2 me, no.</p> <p>3 BY MS. CHEN:</p> <p>4 Q It wouldn't surprise you that there</p> <p>5 are more users of Street View now than there were</p> <p>6 in 2013; right?</p> <p>7 MR. DESAI: Same objections.</p> <p>8 THE WITNESS: I mean, you're</p> <p>9 getting into specifics. You're telling me</p> <p>10 this is true. I have no idea.</p> <p>11 BY MS. CHEN:</p> <p>12 Q You don't have any reason to believe</p> <p>13 there are fewer users now than in 2013; right?</p> <p>14 MR. DESAI: Objection to form.</p> <p>15 Outside the scope of a 30(b)(6).</p> <p>16 THE WITNESS: I don't have any</p> <p>17 reason to estimate users at any point in</p> <p>18 time.</p> <p>19 BY MS. CHEN:</p> <p>20 Q What's the goal of the Google</p> <p>21 litigation?</p> <p>22 MR. DESAI: Objection to form.</p> <p>23 THE WITNESS: To win.</p> <p>24 MR. DESAI: Outside the scope of a</p> <p>25 30(b)(6).</p>	<p style="text-align: right;">Page 176</p> <p>1 D. Worley - Confidential</p> <p>2 Q Allow me to take a step back.</p> <p>3 Does Kewazinga seek damages in this</p> <p>4 litigation?</p> <p>5 A You know, I think it's whatever is</p> <p>6 spelled out in the complaint. I'm not going to</p> <p>7 try to repeat what's in the complaint. We can</p> <p>8 pull it out and look at it. That would be the</p> <p>9 best.</p> <p>10 Q In your exhibits folder, I think</p> <p>11 Exhibit 1 is the complaint. On page -- please</p> <p>12 turn to Page 21 of Exhibit 1.</p> <p>13 A Okay. I'm a little slow here. I'm on</p> <p>14 Page 7. Starts with E at the top? Letter E?</p> <p>15 Q Yes.</p> <p>16 So Page 21 of Exhibit 1 is a partial</p> <p>17 list of the remedies that Kewazinga is seeking in</p> <p>18 this litigation; right?</p> <p>19 MR. DESAI: Objection to form.</p> <p>20 THE WITNESS: The complaint speaks</p> <p>21 for itself. I can't -- the only thing I can</p> <p>22 say -- you can't change what's in the</p> <p>23 complaint or modify what's in the complaint.</p> <p>24 I don't mean to be coy, but the complaint is</p> <p>25 the complaint.</p>
<p style="text-align: right;">Page 175</p> <p>1 D. Worley - Confidential</p> <p>2 Sorry. Sorry to cut you off.</p> <p>3 THE WITNESS: I don't know if you</p> <p>4 heard my answer, Randi, but to win.</p> <p>5 BY MS. CHEN:</p> <p>6 Q How do you win the litigation?</p> <p>7 MR. DESAI: Same objections.</p> <p>8 THE WITNESS: I think there are</p> <p>9 different ways one can win. You know, in</p> <p>10 terms of what our expectation is, it's</p> <p>11 proving willful infringement at trial, which</p> <p>12 I don't think will be very hard.</p> <p>13 BY MS. CHEN:</p> <p>14 Q Would you be satisfied with a jury</p> <p>15 verdict of willful infringement at trial, but no</p> <p>16 damages?</p> <p>17 MR. DESAI: Objection to form.</p> <p>18 Outside the scope of a 30(b)(6).</p> <p>19 THE WITNESS: I can't even</p> <p>20 comprehend that question. Could that</p> <p>21 happen? Has that ever happened?</p> <p>22 BY MS. CHEN:</p> <p>23 Q I'm not sure.</p> <p>24 A Well, okay. I mean -- okay. Sorry.</p> <p>25 I'll keep my mouth shut.</p>	<p style="text-align: right;">Page 177</p> <p>1 D. Worley - Confidential</p> <p>2 BY MS. CHEN:</p> <p>3 Q And in the complaint, your</p> <p>4 understanding is that Kewazinga is seeking</p> <p>5 damages for Google's alleged infringement; right?</p> <p>6 MR. DESAI: Objection to form.</p> <p>7 THE WITNESS: Correct.</p> <p>8 BY MS. CHEN:</p> <p>9 Q Kewazinga is seeking damages for</p> <p>10 Google's alleged infringement of the '325 patent;</p> <p>11 right?</p> <p>12 MR. DESAI: Same objection.</p> <p>13 THE WITNESS: Paragraph E at the</p> <p>14 top.</p> <p>15 BY MS. CHEN:</p> <p>16 Q Yes.</p> <p>17 A That paragraph, yes.</p> <p>18 Look, I'm happy to answer questions.</p> <p>19 There's nothing I can do that's going to modify</p> <p>20 this complaint, but -- anyhow, sorry, go ahead.</p> <p>21 Q We can just take a step back away from</p> <p>22 the complaint. I just want to understand,</p> <p>23 Kewazinga is seeking damages, monetary damages in</p> <p>24 this case; right?</p> <p>25 A Yes, of course. Is that unusual?</p>

45 (Pages 174 - 177)

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<div>Page 186</div> <div><p>1 D. Worley - Confidential</p><p>2 MS. CHEN: Okay. I think now is a</p><p>3 good time to take a break. Let's take ten</p><p>4 minutes, please.</p><p>5 MR. VIDEOGRAPHER: The time is</p><p>6 4:36. We are off the record.</p><p>7 (Whereupon there was a brief</p><p>8 recess.)</p><p>9 MR. VIDEOGRAPHER: The time is</p><p>10 4:45. We're on the record.</p><p>11 MS. CHEN: Mr. Worley, thank you</p><p>12 so much for your time today. I do not have</p><p>13 any further questions at this time.</p><p>14 MR. DESAI: Can we go off the</p><p>15 record? I know we just took a break, but it</p><p>16 will just be a very --</p><p>17 MR. VIDEOGRAPHER: The time is</p><p>18 4:45. We are off the record.</p><p>19 (Whereupon there was a brief</p><p>20 recess.)</p><p>21 MR. VIDEOGRAPHER: The time is</p><p>22 4:51. We're on the record.</p><p>23 MR. DESAI: Counsel for Kewazinga</p><p>24 has no questions for the witness.</p><p>25 While I'm on the record, I will go</p></div>	<div>Page 188</div> <div><p>1 D. Worley - Confidential</p><p>2 INDEX TO TESTIMONY</p><p>3 EXAMINATION OF</p><table><tr><td>4 DAVID WORLEY</td><td>PAGE</td></tr><tr><td>5 BY: Ms. Chen</td><td>6</td></tr><tr><td>6 ***</td><td></td></tr><tr><td>7 E X H I B I T S</td><td></td></tr><tr><td>8 Defendant</td><td></td></tr><tr><td>Number</td><td>Description</td><td>Page</td></tr><tr><td>9 Exhibit 1</td><td>Complaint</td><td>14</td></tr><tr><td>10 Exhibit 2</td><td>30(b)(6)Notice of Deposition</td><td>31</td></tr><tr><td>11 Exhibit 3</td><td>30(b)(1)Notice of Deposition</td><td>33</td></tr><tr><td>12 Exhibit 4</td><td>Rule 26(a) Initial Disclosures</td><td>34</td></tr><tr><td>13 Exhibit 5</td><td>LinkedIn Profile of Mr. Worley</td><td>45</td></tr><tr><td>14 Exhibit 6</td><td>Email Exchange</td><td>69</td></tr><tr><td></td><td>(GOOG-KZGA 2374-2375)</td><td></td></tr><tr><td>15 Exhibit 7</td><td>Email Exchange</td><td>110</td></tr><tr><td></td><td>(GOOG-KZGA 2961-2962)</td><td></td></tr><tr><td>16 Exhibit 8</td><td>Plaintiffs' Response and</td><td>146</td></tr><tr><td></td><td>Non-Opposition to Google's</td><td></td></tr><tr><td></td><td>Motions to Dismiss</td><td></td></tr><tr><td>17 Exhibit 9</td><td>U.S. Patent '234</td><td>160</td></tr><tr><td></td><td>(KEWAZINGA-G 57-87)</td><td></td></tr><tr><td>18 Exhibit 10</td><td>Utility Patent Application</td><td>163</td></tr><tr><td></td><td>Transmittal</td><td></td></tr><tr><td></td><td>(KEWAZINGA-G 1448-2194)</td><td></td></tr><tr><td>21 (Exhibits were retained on Exhibit Share.)</td><td></td><td></td></tr><tr><td>22 ***</td><td></td><td></td></tr><tr><td>23</td><td></td><td></td></tr><tr><td>24</td><td></td><td></td></tr><tr><td>25</td><td></td><td></td></tr></table></div>	4 DAVID WORLEY	PAGE	5 BY: Ms. Chen	6	6 ***		7 E X H I B I T S		8 Defendant		Number	Description	Page	9 Exhibit 1	Complaint	14	10 Exhibit 2	30(b)(6)Notice of Deposition	31	11 Exhibit 3	30(b)(1)Notice of Deposition	33	12 Exhibit 4	Rule 26(a) Initial Disclosures	34	13 Exhibit 5	LinkedIn Profile of Mr. Worley	45	14 Exhibit 6	Email Exchange	69		(GOOG-KZGA 2374-2375)		15 Exhibit 7	Email Exchange	110		(GOOG-KZGA 2961-2962)		16 Exhibit 8	Plaintiffs' Response and	146		Non-Opposition to Google's			Motions to Dismiss		17 Exhibit 9	U.S. Patent '234	160		(KEWAZINGA-G 57-87)		18 Exhibit 10	Utility Patent Application	163		Transmittal			(KEWAZINGA-G 1448-2194)		21 (Exhibits were retained on Exhibit Share.)			22 ***			23			24			25		
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<div>Page 187</div> <div><p>1 D. Worley - Confidential</p><p>2 ahead and designate the transcript in its</p><p>3 entirety as confidential pursuant to the</p><p>4 Protective Order and we will redesignate or</p><p>5 dedesignate the transcript as appropriate in</p><p>6 the time period allotted by the Protective</p><p>7 Order.</p><p>8 We have no questions for the</p><p>9 witness.</p><p>10 MR. VIDEOGRAPHER: All right.</p><p>11 This concludes the video-recorded virtual</p><p>12 remote deposition of David Clark Worley</p><p>13 taken by the defendant on Friday, June 12,</p><p>14 2020. The time is 4:51 Central Daylight</p><p>15 Time and we are going off the record.</p><p>16 ***</p><p>17</p><p>18</p><p>19 -----</p><p>20 DAVID WORLEY</p><p>21 SUBSCRIBED AND SWORN TO</p><p>22 BEFORE ME THIS ____ DAY</p><p>23 OF _____, 2020.</p><p>24</p><p>25 -----</p><p>26 NOTARY PUBLIC</p><p>27 MY COMMISSION EXPIRES _____</p></div>	<div>Page 189</div> <div><p>1 D. Worley - Confidential</p><p>2 C E R T I F I C A T I O N</p><p>3 I, Randi Friedman, Registered</p><p>4 Professional Reporter and Notary Public of the</p><p>5 State of New York, do hereby certify:</p><p>6 THAT, the witness whose testimony is herein</p><p>7 before set forth, was duly sworn by me, and</p><p>8 THAT, the within transcript is a true record of</p><p>9 the testimony given by said witness.</p><p>10 I further certify that I am not related</p><p>11 either by blood or marriage to any of the parties</p><p>12 to this action; and that I am in no way</p><p>13 interested in the outcome of this matter.</p><p>14 IN WITNESS WHEREOF, I have hereunto set my</p><p>15 hand this day, June 15, 2020.</p><p>16</p><p>17</p><p>18 </p><p>19 Randi Friedman, RPK</p><p>20</p><p>21</p><p>22</p><p>23</p><p>24</p><p>25 * * * * *</p></div>																																																																															